Poverty Flats Appeal Chapter 7: Hydrology & Water Supply

Section A: Project's Inadequate Groundwater Analysis, Fair Argument – Substantial Evidence of Limited Water Supply in High Valley

Principle

Under CEQA (California Environmental Quality Act), an Environmental Impact Report (EIR)/Initial Study (IS) must present a cumulative, basin-appropriate groundwater analysis that reflects confined-aquifer behavior and multi-year drought conditions, not just generic, single-well formulas. The lead agency [Lake County Community Development Department / Planning Division] must make a reasonable, good-faith effort at full disclosure, and when substantial evidence indicates analytically significant risk, the analysis must address it—or be revised/denial of the Major Use Permit if the omission is material. [A1][A2][A3] [A4]

Argument

There is substantial evidence that High Valley's aquifer system is already under stress and that lateral recharge in confined units makes the system especially sensitive to cumulative pumping. Two wells under State monitoring are in High Valley. High Valley's delicate groundwater situation has come to the attention of Lake County Board of Supervisors in the Sourz appeal (2021) and Monte Cristo appeal (2022).

During the Sourz Permit Appeal, Lake County Bruno Sabatier expressed interest in the impact of the Sourz project on the community's water supply. Of particular interest was a High Valley neighbor's domestic well with reduced productivity; this is Well #34 under state monitoring. Supervisor Sabatier asked about the depth of the well, which is 104 feet. [A14] [A15]

In these appeals, neighbors reported that their wells went or are going dry; they voiced concern about new projects with high water demands on an already fragile water system. [A8] [A11] [A12] [A13]

"The history of drying springs and continually lower well levels could be an indicator of the cumulative impact of both the prolonged drought and the advent of intense agriculture in the High Valley area. This potential should be noted and analyzed using science that evaluates the relevant sensitivity of the methods used, rather than just applying engineering formulas as though no room for error-of-relevance exists." [A5]

Similar to State Well #34, State Well #4 is in High Valley. It, too, shows diminishing groundwater levels. [A14] [A15] [A16] [A17] [A18] [A19]

Jim Steele, retired State water quality scientist, freshwater ecosystem consultant, former adjunct professor for fresh water ecology at CSUS, High Valley resident and former Lake County District 3 Supervisor, explains the confined-aquifer setting—with usable water in a narrow zone over non-water-bearing strata—and documents that springs have ceased and well levels have fallen in correlation with intense irrigation and prolonged drought:

"…These aquifers commonly recharge laterally and sometimes from significant distances… Over the years, many of these springs have ceased to flow and well water-levels have dropped…" [A5] Changes to the High Valley Groundwater Basin could have "potential impacts to any neighbors at lower elevations along the Southern Slope leading to the lake front. These well users should be included in the analysis because of their potential dependence on water drafting at elevations higher on the mountain." [A6]

Mr. Steele provides direct observational evidence of loss of artesian head at his well (initial rise from ~300 feet to within ~100 feet of the wellhead no longer occurs), with similar reports from neighbors. [A7] High Valley neighbors submitted public comments expressing concerns about the impact on High Valley's limited groundwater supply when cannabis projects applied for use permits. [A8]

For another project in the area, the Poverty Flats engineer wrote, "…[I]t has been noted that well yields in this unit have reduced over time. Recharge is likely reduced by the fine-grained alluvium preventing infiltration to the volcanics." [A9] Although this observation applies to Poverty Flats, the Poverty Flats engineer excluded it from the project's hydrology report.

As a water quality consultant who examined sensitive aquatic projects in other counties, Mr. Steele observes, "Understanding the **local geology** and how groundwater is influenced by Geological structures influencing impervious layers, connectivity, percolation rates vs. runoff dynamics, lateral migration recharge and loss appears essential to a good evaluation." [A5] Poverty Flats Hydrology Report and IS/MND discussion on geological data is not substantive.

An attorney appealing another project's cannabis permit in the same basin as Poverty Flats Ranch claimed **fair argument**; he cited neighbors' and water subject matter experts' accounts of limited water in the water basin. The engineer supporting this attorney's water analysis is the engineer for Poverty Flats. [A10]

This record contradicts any assumption of stable groundwater conditions and triggers CEQA's duty to analyze cumulative drawdown with sensitivity to confined-aquifer dynamics

rather than relying on static engineering coefficients. Failure to do so is an analytical gap that courts have found requires correction. [A4]

Conclusion

Because the administrative record contains substantial evidence of existing hydrologic stress and confined-aquifer sensitivity, the hydrology section is not accurate nor complete to provide a technically adequate cumulative analysis. To address substantial evidence of hydrologic stress and confined-aquifer sensitivity, at minimum, the County should have required, as conditions precedent to approval:

1. **Confined-Aquifer Cumulative Model** that evaluates **lateral recharge/drawdown propagation** and **multi-year drought scenarios** (not average-year assumptions).
2. **Artesian-Trend Assessment** using historical water-level data as a **stress indicator** for basin health.
3. **Sensitivity Testing** (range of transmissivity/storativity) to capture **uncertainty in narrow confined zones**.
4. **Monitoring & Triggers**: multi-well network, quarterly reporting, and **action thresholds** (pumping curtailment/adaptive management) tied to **defined water-level declines** and **spring/flow metrics**.

These unresolved deficiencies preclude any lawful reliance on the IS/MND, necessitating denial of the Major Use Permit due to the absence of a CEQA-compliant hydrologic analysis. Post-approval revisions to project documents or technical reports would not cure the defect and would instead trigger the need for preparation of a full Environmental Impact Report." [A2][A3][A4][A5]

Footnotes for Section A

[A1] CEQA Guidelines §15130 (Cumulative impacts).

[A2] CEQA Guidelines §15151 (Standard of adequacy; "reasonable, good-faith effort at full disclosure").

[A3] *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 672–673 (analytical gaps/denial of the Major Use Permit).

[A4] CEQA Guidelines §15088.5 (denial of the Major Use Permit of EIR when significant new information is added).

[A5] Steele, Jim and Olga Martin. *Public Comment re: Monte Cristo Vineyards Major Use Application* (Apr. 20, 2022), pp. 1–2.

[A6] Ibid., pp. 2-3.

[A7] Ibid.

[A8] Lake County Planning Commission Hearing, Public Comments on Monte Cristo Permit (June, 23, 2022). Link: https://countyoflake.legistar.com/LegislationDetail.aspx?ID=5701068&GUID=65A24F1B-9D83-4A9D-A40B-2B1C4F661D9D&Options=&Search=]; Public comments on Monte Cristo Permit Appeal to Lake County Board of Supervisors (December 13, 2022). Link: https://countyoflake.legistar.com/LegislationDetail.aspx?ID=5951456&GUID=D828E56D-534E-4C6B-B092-0A613CCC2843&Options=&Search=

[A9] Dodd, Annjanette, PhD, PE. Evaluation of Impacts to High Valley Groundwater Resources, (November 11, 2021), p. 3.

[A10] Johnson, Brad. Letter to Lake County Board of Supervisors, Sourz Appeal (November 15, 2021).

[A11] Steele, Jim. High Valley Water Availability (December, 13, 2022).

[A12] Steele, Jim. Monte Cristo PC Permit Hearing transcript (2022 06 23).

[A13] Steele, Jim and Olga Martin. High Valley Hydro_Water Availability_Martin Steele Ltr 2022 12 08.

[A14] Link to Well #34 particulars: https://wdl.water.ca.gov/WaterDataLibrary/GroundwaterBrowseData.aspx?SelectedCounties=&SiteCode=390480N1226855W001&LocalWellNumber=&StationId=17366&SelectedGWBasins=&StateWellNumber=14N07W19M002M

[A15] Link to Well #34 Groundwater Level Data: https://wdl.water.ca.gov/WaterDataLibrary/GroundwaterBrowseData.aspx?SelectedCounties=&SiteCode=390480N1226855W001&LocalWellNumber=&StationId=17366&SelectedGWBasins=&StateWellNumber=14N07W19M002M

[A16] State Monitored Well #34 High Valley, Groundwater Levels Data

[A17] Link to Well #4 Particulars: https://wdl.water.ca.gov/WaterDataLibrary/GroundwaterBrowseData.aspx?LocalWellNumber=&StationId=35927&StateWellNumber=4&SelectedCounties=1%2317&SiteCode=&SelectedGWBasins=5-016+High+Valley

[A18] Link to Well #4 Groundwater Level Data: https://wdl.water.ca.gov/WaterDataLibrary/GroundwaterBrowseData.aspx?LocalWellNumber=&StationId=35927&StateWellNumber=4&SelectedCounties=1%2317&SiteCode=&SelectedGWBasins=5-016+High+Valley

[A19] State Monitored Well #4 High Valley, Groundwater Levels Data

Section B — CEQA Requires Site-Specific Hydrology; Boilerplate Copying Is Not Substantial Evidence

Principle

CEQA demands **project-specific analysis**, not generic or recycled text. The lead agency must make a **reasonable, good-faith effort at full disclosure** tailored to the **site's actual hydrogeology**; conclusory or boilerplate statements **do not constitute substantial evidence** and require revision which—after Planning Commission approval--triggers a required EIR or denial of the Major Use Permit when they mask analytical gaps. [B4][B5][B6][B7][B8]

Argument

The Poverty Flats hydrology submittal shows **copy-paste defects and non-site-specific reasoning**:

- The **Poverty Flats Hydrology Report** identifies the project as **"Osprey Farm,"** a separate proposal—an error that signals **cut-and-paste drafting** and undermines confidence in the data and conclusions offered for this site. [B2]
- As of **September 27, 2025**, **CEQAnet** did **not** list hydrology materials for an "Osprey Farm" entry, preventing any apples-to-apples verification of what was imported into the Poverty Flats filing. [B1]
- The project hydrology report contains the **well completion report for High Valley** Oaks, not this project. [00] Hydrology report and DMP.PDF, p. 19.
- Substantively, the **Poverty Flats Hydrology Report (2023)** concedes: *"It is unknown whether the source water is within an isolated aquifer or contributes recharge to the High Valley or Long Valley Basins,"* yet proceeds as if **isolation** and **no impact** can be assumed. [B2] The **High Valley Oaks Hydrology Report (2021)**—prepared by the **same engineer**—contains the **identical admission and the same "no-impact" inference.** [B3]

- A side-by-side review shows the **2023 Poverty Flats** and **2021 High Valley Oaks** hydrology reports are **near word-for-word twins**: the same **Ordinance 3106** introduction; the same **CalCannabis EIR demand factor (6 gpd/plant)**; the same **Franciscan Formation ridge-top setting description**; the same **NRCS Curve Number recharge method**; the same **conservation and monitoring protocols**. Project fields (acreage, well depth, storage volume, recharge area) are **swapped in**, but the **structure, references, equations, and recommendations** are **boilerplate.** [B2][B3]

Under CEQA, **boilerplate** cannot substitute for **site-specific analysis**. Where a report admits **key unknowns** about **aquifer connectivity** and then **assumes isolation**, the agency must require **data and analysis**—not conclusions—to bridge that gap. Otherwise, the record fails CEQA's **adequacy** and **substantial-evidence** tests. [B4][B5][B6][B7][B8]

Conclusion

The Poverty Flats Hydrology Report **does not satisfy CEQA's requirement for project-specific hydrologic analysis**. The **misidentification ("Osprey Farm")** plus inclusion of a well report for an unrelated project, the **copy-paste structure**, and the **unsupported assumption of aquifer isolation** together mean the current record **lacks substantial evidence**. Prior to approval, the County should have:

1. **Required a revised, site-specific hydrology study** that (a) resolves aquifer connectivity with **field data** (well logs, step-drawdown/pumping tests, water-level trends), (b) updates **recharge/consumption** using **site-calibrated parameters**, and (c) justifies any isolation claim with **tracer or hydraulic evidence**.
2. **Provided a redline cross-walk** distinguishing Poverty Flats content from prior filings (e.g., **High Valley Oaks 2021**) and certify that **all assumptions and datasets are project-specific**.
3. **Denied the Major Use Permit** because the hydrologic and analytical defects in the record preclude any lawful approval under CEQA." [B4][B5][B6][B8]

Footnotes Section B

[B1] CEQAnet (contains key information on all California Environmental Quality Act (CEQA) documents submitted the to the State Clearinghouse for state review) query for "Osprey Farm," checked Sept. 27, 2025 (no hydrology record located as of that date).
[B2] See [00] Hydrology report and DMP. Dodd, Annjanette. Poverty Flats Hydrology Report (2023) (erroneous "Osprey Farm" references; isolation-assumption despite stated uncertainty).

[B3] Dodd, Annjanette. High Valley Oaks Hydrology Report (2021) (same engineer as Poverty Flats; same isolation-uncertainty language; near-identical structure and methods).
[B4] CEQA Guidelines §15151 (standard of adequacy: "reasonable, good-faith effort at full disclosure").
[B5] CEQA Guidelines §15144 (degree of analysis/avoidance of speculation—require reasoned, evidence-based treatment where feasible).
[B6] Sierra Club v. County of Fresno (Friant Ranch) (2018) 6 Cal.5th 502, 519–523 (analysis must connect facts to conclusions; conclusory statements inadequate).
[B7] Berkeley Keep Jets Over the Bay v. Board of Port Comm'rs (2001) 91 Cal.App.4th 1344, 1370–1372 (boilerplate/conclusory responses insufficient).
[B8] Save Our Peninsula Committee v. County of Monterey (2001) 87 Cal.App.4th 99, 117–121 (site-specific water supply analysis required; insufficient generalized treatment).

Section C: Baseline Hydrology Must Be Accurate, Stable, and Project-Specific

Principle

CEQA requires an accurate, stable, and finite project description and a baseline environmental setting sufficient to permit meaningful impact analysis. The project description must identify the conditions against which change is measured (e.g., existing groundwater levels, well density/uses, basin withdrawals, and monitoring records). Substituting conclusory text for baseline facts fails the standard of adequacy. [C1][C2][C3][C4][C5][C6]

Argument

The Initial Study/MND describes acreage, canopy, and a well location, but it omits baseline groundwater conditions necessary to evaluate hydrologic impacts:

- **No basin-wide baseline**: No quantified summary of existing groundwater levels, multi-year trends/hydrographs, or cumulative withdrawals drawn from Department of Water Resources (DWR)/County monitoring or other authoritative datasets. Without these, the agency cannot determine whether the project would exacerbate existing stress. [C2][C3][C4]
- **No well inventory context**: One neighbor well (UP 20-21) is mentioned, but there is no map/table of nearby wells showing depths, yields, uses (domestic, irrigation, cannabis), and distances—the minimum needed to assess drawdown, interference, and cumulative effects. [C2][C3]

- **No confined-aquifer baseline**: The report acknowledges uncertainty about aquifer connectivity (isolation vs. contribution to High Valley/Long Valley) but assumes isolation without field data (e.g., step-drawdown/pumping tests, tracer indications, or multi-well responses). That is an analytical gap under CEQA. [C2][C3][C6]
- **No drought-condition frame**: Baseline must reflect existing conditions and—where relevant—multi-year drought
- affecting storage and recharge, rather than an average-year assumption that masks current stress. [C2][C4][C5]

Although the project admits its recharge data is from a humid basin in the Eastern United States, its inclusion seems random. Its validity is questionable. [B2]

The hydrology section of the **IS/MND does not account for all the project's water sources**. When the project property was on the market, its two year round springs and another spring under development were prominent. [C7] It seems odd that the project would not use the springs at least as a backup water source for its cannabis cultivation.

The IS/MND references **rain catchment,** yet it does not disclose the catchment amount, as required by CalCannabis. This datum should be reported as part of the project's water availability. The project must also request clearance and the requirements for rainwater catchment from the Central Valley Regional Water Control Board. The project did not report that this requirement has been met.

Missing project baseline exhibits (minimum):

1. **Well Inventory & Map** (½–1 mile radius): location, depth, screened interval, use type, reported yields.
2. **Hydrographs** (multi-year) for project and nearby indicator wells; **seasonal high/low** and **trend analysis**.
3. **Cumulative Withdrawals**: recent-period pumping estimates for **project area/High Valley** (domestic, irrigation, cannabis) and **DWR/County indices** for storage/recharge.
4. **Connectivity Testing**: step-drawdown/pumping-test data (transmissivity, storativity), **interference responses** at nearby wells, and any **tracer/isotope** results if available.
5. **Drought Context**: precipitation/ET indices and **recharge sensitivity** under prolonged dry periods.

Absent this baseline, meaningful hydrologic impact analysis is not possible, and the IS/MND cannot support a no-significant-impact conclusion. [C1][C2][C3][C4]

Water Availability - Anecdotal Remark, Not Data

Meaningful hydrologic impact analysis requires data. Instead, the Hydrology Report offers an anecdotal remark from an operator of a neighboring project on its water demand and reportedly adequate supply. No data, much less independently verifiable data, substantiate the remark. [B2]

Data Discrepancy – Estimated Water Usage

The project cites 180 growing days per year, yet it describes estimated water usage differences between the vegetative and flowering periods each as "117 days". Both periods should total 180 day. [B2] This calls into question the accuracy and reliability of project data.

Conclusion

Because the filing lacks an accurate, stable, and finite baseline for groundwater, the hydrology analysis does not meet CEQA's adequacy standard. The County cannot reasonably conclude there will be no significant hydrologic impact because data were not provided and analyzed: well inventory/map, hydrographs, cumulative withdrawals, and connectivity testing.

Footnotes for Section C

[C1] CEQA Guidelines §15124 (Project description requirements).
[C2] CEQA Guidelines §15125 (Environmental setting/baseline).
[C3] CEQA Guidelines §15126.2(a) (Analysis of significant environmental effects).
[C4] *Communities for a Better Environment v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 321–328 (baseline must reflect **existing conditions**; analysis must be meaningful).
[C5] *Neighbors for Smart Rail v. Exposition Metro Line Construction Auth.* (2013) 57 Cal.4th 439, 453–457 (limited circumstances for non-existing baselines; agency must justify).
[C6] *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 657–673 (analytical gaps/denial of the Major Use Permit; inadequate factual foundation)

[B2] Poverty Flats Hydrology Report, PDF p. 8.

[B2] Ibid., p. 2.

[C7]

Section D: Substantial Evidence & Reliable Water Supply — Analytical Gaps Require Testing and Connectivity Data

Principle

CEQA requires that impact findings be supported by substantial evidence—i.e., facts, reasonable assumptions grounded in facts, and expert opinion supported by facts. Speculation and conclusory statements are not substantial evidence. The analysis must be adequate on its face, connect data to conclusions, and include the regulatory and environmental setting, methods, and sources that underpin each conclusion. CEQA also recognizes the need for reasonable forecasting and a good-faith effort to disclose uncertainties without defaulting to boilerplate.

For water supply, decision makers must have credible proof of a long-term, reliable supply, including performance in dry and multiple-dry years. The California Supreme Court requires substantial evidence of a long-term, reliable water supply for proposed projects. [Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova, 40 Cal. 4th 412 (2007).] [D1][D2][D3][D4][D5][D6]

Argument

The record does not supply substantial evidence to support "no significant hydrologic impact" or "adequate water supply" conclusions. Key analytical gaps include:

- **No calibrated pump testing.** Yield was estimated by air-lift only, which commonly overstates sustainable capacity. A step-drawdown and constant-rate (24–72 hour) pump test with recovery is needed to determine sustainable yield. [D7] The project's 40 gpm value may not represent reliable, long-term capacity.

  Thirty-year environmental professional based in Kelseyville, CA, Peggie King, advises, "Groundwater well pump [test] times should be conducted for 24 consecutive hours to accurately reflect the drawdown and recovery of the well." [D9]

  The Lake County cannabis project Bar X serves as an example of pump testing more thorough than Poverty Flats'. Bar X had four-hour and 24-hour pump tests with outside monitoring and full recovery—the documentation looks very different; that level of verification is absent at Poverty Flats.

- **No aquifer parameters (T/S).** The absence of transmissivity (T) and storativity (S) prevents any quantitative drawdown, interference, or radius-of-influence analysis. [D5]
- **No hydrogeologic connectivity studies.** The filing acknowledges uncertainty about isolation vs. contribution to nearby basins yet assumes isolation. Interference monitoring, tracer work, or targeted geophysics are needed to resolve connectivity. [D5]
- **Vague mitigation.** Measures such as "reduce canopy" or "add catchment" lack enforceable triggers, timelines, and monitoring (e.g., defined water-level thresholds tied to automatic curtailment). [D3]

Additional data gaps undermine a site-specific conclusion:

- **No static water level (SWL) at drilling** and no **seasonal hydrographs**; without these, no baseline trend exists for drawdown/recovery. SWL documentation and quarterly water-level monitoring pre- and post-cultivation provides data on the project's impact on drawdown and recharge. [D8]
- **Ridge-top geology poorly constrained (Franciscan setting).** Recharge area and structural controls are assumed rather than demonstrated; longer-term pump testing and limited geophysics would improve confidence. [D7]
- **No local ET/crop-coefficient tie-out.** Demand relies on generalized factors without local CIMIS ET or crop-specific coefficients, risking misestimation in unique microclimates/soils. [D5]
- **No emergency backup source/protocol.** Identify backup supply options, trucking constraints, permitting, and activation triggers to prevent unsanctioned extraction during shortages. [D3]
- **No groundwater quality baseline.** Absent basic chemistry (TDS/majors/metals), suitability and regulatory risks are unknown; include baseline water quality and adaptive-management thresholds. [D7]

The Poverty Flats project engineer criticized the hydrology report for another project in the same water basin as for "…no analysis of the Project's impacts on … neighboring wells. …[M]ultiple existing onsite wells are in poor condition and need to be abandoned. Also, wells in the valley, within the Holocene volcanic unit, have been seen to **decrease in capacity over time**. This could be because the confined volcanic unit takes much longer to recharge compared to the alluvium unit." [A9] Yet the Poverty Flats Hydrology Report has the same omissions criticized in the Sourz hydrology report.

In her analysis of the Sourz project's hydrology, the Poverty Flats engineer remarked on High Valley hydrology, "…[N]umerous wells on the [Sourz] Project site that are no longer functional and other wells in the High Valley Groundwater Basin have seen decreased capacity. These are indicators that the Basin's storage capacity is less than estimated in the EBA GAS." [A9] Yet these findings on High Valley hydrology were not included in Poverty Flats Hydrology Report.

The project's planned water storage may not meet operational needs, as required by Lake County Article 27 General Performance Standards. The project proposes to store 79,000 gallons, ~3–4 days' supply. This may not be "adequate storage" for 180-day season, especially if well yield fluctuates. [A9]

Conclusion

On the present record, the County cannot reasonably conclude there will be no significant hydrologic impact or that the project has a long-term, reliable water supply. Yet the project mistakes water storage for sustainable water supply and dismisses the impact of the project on neighbors by concluding "…since the Project is situated in an area of extremely low population and well densities, and since the Project proposes to store at least three (3) days of onsite maximum season water storage to allow wells to recharge, that there is little impact from the Proposed project to surrounding wells…" [D11]

Lake County Planning Commission's approval was in error and based on incomplete information. To meet CEQA's substantial-evidence and adequacy standards, the applicant should have provided:

1. **Hydrogeologic Test Program:** step-drawdown + constant-rate pump test (24–72 hour) with recovery; compute T, S, and radius-of-influence.
2. **Connectivity Assessment:** multi-well interference monitoring (nearby domestic/irrigation wells), and—if feasible—tracer or geophysical confirmation of isolation vs. basin contribution.
3. **Baseline & Monitoring:** SWL at drilling; quarterly hydrographs (pre- and post-cultivation); nearby well inventory/map (depths, uses, yields, distances).
4. **Demand & Drought Proofing: local California Irrigation Management Information System (CIMIS) ET** and crop coefficients; dry and multiple-dry-year scenarios; enforceable triggers (water-level thresholds) for curtailment or scaled operations.

5. **Quality & Contingency:** baseline groundwater chemistry; identified backup source(s) with permitting; mitigation measures rewritten with specific triggers, timelines, and reporting.

Because these materials were not produced and vetted prior to the Planning Commission's approval, the appeal should be granted and the Major Use Permit denied. Revision of project documents or technical reports after Planning Commission approval of the permit will trigger required preparation for an EIR. [D3][D4][D5]

Footnotes for Section D

[D1] CEQA Guidelines §15384 (definition of "substantial evidence").
[D2] CEQA Guidelines §15064(f)(5) (what does **not** constitute substantial evidence).
[D3] CEQA Guidelines §15151 (standard of adequacy; reasonable, good-faith effort at full disclosure).
[D4] *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412 (long-term, reliable water supply).
[D5] CEQA Guidelines §15126.2(a) (analysis of significant environmental effects; methods/assumptions must support conclusions).
[D6] CEQA Guidelines §15144 (degree of analysis/foreseeability; reasonable forecasting without speculation).
[D7] California Well Standards, DWR Bulletin 74-81/90 (capacity/testing and construction best practices).
[D8] California Water Code §13751 (well completion report requirements).

[D9] King, Peggie, Letter to Lake County Planning Commission (June 12, 2025), p. 1.

[A9] Dodd, Evaluation of Impact to Groundwater Resources (November 11, 2024), p.4.

[D10] Lake County Article 27 §27.11(f).

[D11] Poverty Flats IS/MND *No. IS 23-20 (mis-referenced by County as IS 23-29 in staff emails dated May 10 and May 17, 2025)*, (dated April 25, 2025); Planning Commission approved May 22, 2025), p. 56.

Section E: Long-Term Reliable Water Supply, Usable Storage & SGMA Non-Coverage — Vineyard Standard Still Applies

Principle

CEQA requires substantial evidence of a project's **long-term, reliable water supply**. The analysis must quantify storage, conduct drawdown/production testing, and demonstrate adequacy in dry and multiple-dry years—not just in average conditions. The fact that a project lies outside a Sustainable Groundwater Management Act (SGMA)-managed basin (or within a low-priority basin) does not relieve the lead agency of its CEQA duty to prove reliability; SGMA status is not a safe harbor under CEQA. [E1][E2][E3]

Argument

Regarding **usable storage**, the Poverty Flats project engineer found fault with another project's (in the High Valley Basin) hydrology report for "[n]o discussion … provided on usable storage capacity." [E7] Yet Poverty Flat's Hydrology Report commits the same fault.

In the same critique, the Poverty Flats engineer stated, "Bulletin 118 defines **usable storage capacity** as the amount of groundwater of suitable quality that can be economically withdrawn from storage. A groundwater basin's useable storage capacity may be only a fraction of its total gross storage capacity (for example, DWRs estimate of the usable storage capacity is 10% of overall storage capacity). This is important because, as more groundwater is extracted, groundwater levels may fall below some existing wells, which may then require replacement or deepening." [E7][E8]

The Poverty Flats engineer's critique also found issue with the lack of analysis on potential for subsidence and groundwater quality degradation. [E7] However, the Poverty Flats engineer's analysis did not cover these topics the engineer identified as significant for another project in the area.

The project's coarse methodology for estimating sufficient water supply rests on defining the recharge area using topographic boundaries (462 acres) tied to well depth. Using hydrogeologic boundaries for recharge analysis yields a clearer understanding of the groundwater supply.

Poverty Flats hydrology filing does not provide substantial evidence of long-term reliability:

- **Recharge vs. Demand Assertions Lack Reliability Testing.** The Hydrology Report cites estimated recharge of ~107–139 AFY for the recharge area versus project demand of ~11.2 AFY, but it acknowledges reliance on "estimated recharge." No multi-year drought or multiple-dry-year modeling is presented to convert those estimates into a reliability demonstration. [E5]

- **No Drought/Multiple-Dry-Year Proof.** Vineyard requires evidence that supply remains sufficient during dry and multiple-dry years, with explicit assumptions, methods, and sources. The filing provides no such scenarios or stress tests. [E1][E2]
- **Contingency "Actions" Are Not Proof of Supply.** The document lists measures if water proves inadequate—e.g., reduce cultivation area/season, install more storage, add rainwater catchment, or seek an alternative legal source—but these are after-the-fact responses, not evidence of an available, reliable supply. Without defined triggers, identified alternative sources, rights/permits, capacities, and implementation timelines, these measures are not enforceable reliability findings under CEQA. [E4]
- **Missing Technical Foundations.** Absent calibrated pump tests (step-drawdown and constant-rate with recovery), aquifer parameters (T, S), and connectivity evidence, the record cannot quantify drawdown, radius-of-influence, interference, or storage buffering—all necessary to support a long-term reliability conclusion. [E2][E6]
- **SGMA Non-Coverage Is Irrelevant to CEQA Sufficiency.** High Valley is not required to have a State Groundwater Management Act (SGMA) Groundwater Sustainability Plan (per Basin Prioritization). This does not demonstrate water adequacy for Poverty Flats. [A5]

  CEQA still requires a project-level showing that water demand can be sustainably met without significant impacts or cumulative overdraft risk. [E3] Without analysis of indirect biological effects of drawdown, the project's impact on groundwater supply is incomplete.

Conclusion

On this record, the County cannot reasonably conclude the project has a long-term, reliable water supply. To satisfy Vineyard and CEQA's substantial-evidence standard, the County should have required, before approval:

1. **Reliability Modeling:** Quantify usable storage and run dry and multiple-dry-year supply-demand scenarios (explicit inputs/assumptions, sensitivity ranges).
2. **Aquifer Testing & Parameters:** Conduct step-drawdown and 24–72-hour constant-rate tests with recovery; compute transmissivity (T), storativity (S), radius-of-influence, and interference potential.

3. **Connectivity Resolution:** Provide interference monitoring at nearby indicator wells (and, if feasible, tracer/geophysical lines) to determine isolation vs. basin contribution.
4. **Demand Tie-Out:** Reconcile demand with local CIMIS ET/crop coefficients; present monthly profiles showing storage/demand balancing under dry-year conditions.
5. **Enforceable Contingencies:** Identify any alternative legal source(s) (rights, permits, capacities, conveyance), define objective triggers (water-level thresholds), and adopt time-certain mitigation (e.g., curtailment or scaled operations) as conditions of approval.

Since the applicant did not provide this evidence and enforceable framework prior to project approval, the Board of Supervisors should grant the appeal and deny the Major Use Permit. After Planning Commission permit approval, revision to project documents and technical reports will not cure the defects; revision will trigger the required EIR preparation process. [E1][E2]

Footnotes for Section E

[E1] *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412 (long-term, reliable water supply standard; dry and multiple-dry-year analysis).
[E2] CEQA Guidelines §§15126.2(a) (analysis of significant effects) and 15151 (adequacy; reasonable, good-faith effort at full disclosure).
[E3] SGMA/DWR Basin Prioritization Dashboard (low-priority or non-managed status does not establish CEQA adequacy for project-level supply).
[E4] Poverty Flats Conditions of Approval (COA/COU), p. 6 (contingency measures listed if supply proves inadequate).
[E5] Poverty Flats Hydrology Report (2023) (reports approx. 107–139 AFY recharge vs. ~11.2 AFY demand; characterizes recharge as “estimated”).
[E6] DWR Bulletin 74-81/90 (California Well Standards) (pump-test methods; establishing sustainable capacity and well integrity).

[E7] Dodd, Annjanette, PhD., PE, Evaluation of Impacts to High Valley Groundwater Resources, (November 11, 2021), p. 4.

[E8] CA Water Resources Bulletin 118.

Section F: Enforceable, Measurable Mitigation & Monitoring Are Required Under CEQA

Principle

Under CEQA, mitigation must be specific, measurable, and fully enforceable—not aspirational. Measures must be binding through permit conditions or agreements, include clear performance standards, and be supported by a Mitigation Monitoring and Reporting Program (MMRP) that specifies who does what, by when, and how compliance is verified. Agencies may not defer formulation of mitigation unless they adopt objective performance standards and a committed implementation pathway. Conclusory or vague mitigation does not constitute substantial evidence. [F1][F2][F3][F4][F6]

Argument

The applicant's hydrology plan recommends seasonal and extraction-well monitoring but does not commit to equipment, methods, thresholds, or enforcement—falling short of CEQA's enforceability and measurability requirements:

- **No equipment commitment.** The plan does not require automated water-level sensors (pressure transducers with dataloggers/telemetry) or specify sampling frequency, accuracy, or calibration.
- **No performance standards.** There are no numeric triggers (e.g., X feet of decline from baseline or Y% seasonal departure) that would automatically curtail pumping, scale operations, or activate contingencies.
- **No methods or QA/QC.** The plan omits standard methods for data collection, QA/QC (Quality Assurance/Quality Control) protocols, independent third-party verification, and audit access.
- **No MMRP detail.** It does not specify responsible parties, reporting schedules (e.g., monthly/quarterly), public dashboard posting, or enforcement tools (bonds, penalties, or permit suspension for non-compliance).
- **Local code mismatch. Article 27 §27.11 (Water Use & Monitoring)** contemplates defined monitoring and compliance; the submittal's "monitor if needed" approach is insufficient without binding conditions and methods. [F5]

Because the mitigation is framed as recommendations rather than requirements with objective, verifiable metrics, it fails CEQA's enforceability and no-deferral standards. [F1][F2][F3]

Conclusion

As drafted, the hydrology mitigation fails CEQA. Hydrology mitigation meeting CEQA requirements must have **enforceable mitigation** incorporated **as conditions of approval** and into the MMRP, including at minimum:

1. **Instrumentation & Method**
    - Install continuous water-level monitoring (pressure transducers with dataloggers/telemetry) on all project wells; 15-minute logging (or better), monthly calibration checks, and annual third-party audit.
    - Document baseline static water levels (pre-project) and maintain quarterly hydrographs for project and selected nearby indicator wells.
2. **Performance Standards (Triggers)**
    - Automatic curtailment if water levels decline ≥ X ft from baseline or exceed Y% of seasonal norm, or if neighbor-well interference ≥ Z ft is detected.
    - Drought/multiple-dry-year matrix linking ET-adjusted demand to allowable pumping and mandatory scale-backs.
3. **Reporting & Transparency**
    - Quarterly reports to the County; public dashboard summaries (production, water use, compliance status).
    - County/right-to-audit raw data and site access.
4. **Enforcement & Contingencies**
    - Financial assurance (bond/LOC) to implement corrective actions.
    - Time-certain contingencies (e.g., reduced canopy, schedule changes, backup source with permits) triggered by objective thresholds.
    - Non-compliance remedies: penalties and permit suspension.

Because the mitigation framework is not enforceable, measurable, or tied to objective thresholds, CEQA does not permit reliance on the IS/MND. The Major Use Permit must therefore be denied. Any attempt to revise project documents or mitigation language after approval would trigger preparation of a full Environmental Impact Report. [F1][F2][F3][F4]

Footnotes for Section F

[F1] CEQA Guidelines §15126.4(a)(2) (mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments).

[F2] CEQA Guidelines §15126.4(a)(1)(B) (no improper deferral; when details are deferred, agency must adopt performance standards and commit to implementation).
[F3] CEQA Guidelines §15097 (Mitigation Monitoring and Reporting Program—identify responsibility, timing, and verification).
[F4] Sierra Club v. County of Fresno (Friant Ranch) (2018) 6 Cal.5th 502, 519–523 (analysis must connect facts to conclusions; vague mitigation is inadequate).
[F5] Lake County Code Article 27 §27.11 (Water Use & Monitoring) (local monitoring/compliance framework).
[F6] Preserve Wild Santee v. City of Santee (2012) 210 Cal.App.4th 260, 280–282 (mitigation deferral permissible only with objective performance standards and enforceable commitment).

Section G: Engineer's Prior Critique Confirms Present Hydrology Is Inadequate

Principle

Under CEQA, conclusions must rest on substantial evidence—facts, reasonable fact-based assumptions, and expert opinion supported by facts. When the same engineer who authored the current project hydrology report has previously identified specific methodological defects (e.g., reliance on short air-lift tests, lack of static water levels, no usable storage discussion, silence on subsidence, no analysis on impact of project on neighboring wells), those statements constitute substantial evidence in the record that such defects are analytically significant and must be cured. CEQA also requires mitigation to be specific and enforceable, not deferred to later study. A hydrology report that omits the very elements the engineer has deemed necessary is facially inadequate and must lead to granting the appeal and denial of the Major Use Permit. Revision of project documents and technical reports cannot cure defects after Planning Commission permit approval; revision will trigger the required Environmental Impact Report process. [G4][G5][G6][G7][G8]

Minimum technical elements to satisfy CEQA for groundwater supply and impact analysis:

1. **Calibrated pump testing** (step-drawdown + 24–72-hr constant-rate with recovery) to establish sustainable yield.
2. **Computation of aquifer parameters** (T, S) and **radius of influence** for drawdown/interference analysis.
3. **Baseline hydrographs** (including static water level at drilling and seasonal monitoring) for project and nearby indicator wells.

4. **Connectivity assessment** (interference monitoring; tracer or limited geophysics) to resolve isolation vs. basin contribution.
5. **Reliability modeling** showing adequacy in dry and multiple-dry years (storage/demand balancing, sensitivity).
6. **Enforceable mitigation** with **numeric triggers**, timelines, monitoring, and remedies. [G6][G7]

Argument

The **Poverty Flats Hydrology Report** repeats the same shortcomings that the current project engineer criticized in the Sourz hydrology submittal (2021):

- **Two-hour air-lift at ~40 gpm; no recorded static level**; yet the Poverty Flats conclusion claims "sufficient groundwater … during average and dry years." The engineer's prior critique explains that air-lift yields overstate capacity and why SWL data are essential—precisely what is missing here. [A9][B2]
- **Drought "plan"** says that if the well cannot meet demand, the operator will reduce canopy/season, add storage or catchment, or later develop an "alternative, legal water source." That is a contingency list, not proof of a reliable supply, and lacks identified sources, permits, capacities, triggers, and timelines. [E4][G7]
- **Mitigation by future study**: measures that require more study instead of committing to objective performance standards and enforceable actions are improperly deferred and not CEQA-compliant. [G6]

In short, by the engineer's own standards, the Poverty Flats filing is not a site-specific, reliability-demonstrating hydrology analysis. CEQA does not allow the County to rely on conclusory assertions where the record (including the engineer's prior critique) shows analytical gaps. [G4][G5][G8]

In earlier sections of this chapter, the project engineer's inconsistencies are highlighted. Specifically, for another project in the High Valley Groundwater Basin, Poverty Flats' engineer required specific data for water supply analysis, but similar data are not provided for Poverty Flats.

Conclusion

Because the present record omits pump testing, aquifer parameters, connectivity analysis, and dry/multiple-dry-year proof—and because mitigation is vague and deferred—the

County cannot make CEQA-compliant findings of no significant hydrologic impact or long-term reliable supply. The County's approval of the Major Use Permit is not supported for the following shortcomings:

1. The **record is inadequate to support approval** that does not address
2. the minimum technical elements listed above;
3. The project did not provide **reliability demonstration** meeting Vineyard (dry/multiple-dry-year) with explicit inputs and sensitivity; and
4. No **Mitigation Monitoring & Reporting Program** with numeric triggers (water-level thresholds, interference limits), time-certain remedies, and enforcement tools.

After Planning Commission permit approval, revision of project documents and technical reports will not cure defects. Instead, revision will trigger the EIR preparation process. Granting the appeal and denying the Major Use Permit is advised. [G5][G7]

Professional evaluation should be consistent. For one project, certain data for water supply analysis are required per the Poverty Flats engineer. Yet the same data are not included in the Poverty Flats Hydrology Report prepared by the same engineer. More important, the Poverty Flats engineer's concluded for another project in High Valley, "…the High Valley Groundwater Basin may have adequate groundwater resources to support the Project, however, competing data, including … data from surrounding wells, indicates that the useable groundwater capacity of the Basin is far less than indicated in the EBA GAS, and is decreasing rather than increasing. These factors all constitute substantial evidence indicating that the Project may have a significant impact on groundwater resources." [G1] For other projects in the area, Poverty Flats engineer's water availability analysis contradicts the Poverty Flats conclusion.

Footnotes for Section G

[A9] Dodd, Annjanette. Evaluation of Impacts to High Valley Groundwater Resources, (November 11, 2021). Poverty Flats engineer's comment/critique on Sourz Project Hydrology (identifying defects: short air-lift test, no SWL, missing T/S, no drought analysis).
[B2] Poverty Flats Hydrology Report (2023) (two-hour air-lift ~40 gpm; no documented SWL at drilling; "sufficient groundwater" conclusion).
[E4] Poverty Flats Conditions of Approval (COA/COU), p. 6 (contingency list to reduce canopy/season, add storage/catchment, or later develop alternative source).
[G1] Dodd, Annjanette, PhD, PE. Evaluation of Impacts to High Valley Groundwater Resources, p. 8.

[G4] CEQA Guidelines §15384 (substantial evidence includes expert opinion supported by facts; excludes speculation).
[G5] CEQA Guidelines §15151 and §15088.5 (adequacy; denial of the Major Use Permit when significant new information is added or analytical gaps are material).
[G6] CEQA Guidelines §15126.4(a) and §15097; Preserve Wild Santee v. City of Santee (2012) 210 Cal.App.4th 260 (no improper deferral; mitigation must have objective performance standards).
[G7] Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal.4th 412 (reliable, long-term water supply; dry/multiple-dry-year proof).
[G8] Sierra Club v. County of Fresno (Friant Ranch) (2018) 6 Cal.5th 502, 519–523 (analysis must connect facts to conclusions; conclusory assertions inadequate).

Section H: Cumulative Hydrologic Impacts — Basin-Wide Analysis Required Under CEQA and DCC Guidance

Principle

CEQA requires a cumulative impacts analysis that evaluates the project's incremental contribution to combined effects from past, present, and reasonably foreseeable projects. The analysis must define a geographic scope (e.g., basin or hydraulically connected units), a time horizon, and use either a list of projects or a summary of projections approach—with methods, data sources, and significance thresholds disclosed. An agency must determine whether the project's contribution is cumulatively considerable and support that determination with substantial evidence; conclusory statements are inadequate. [H1][H4][H5]

The Department of Cannabis Control (DCC) specifically flags that topics of "particular importance" include cumulative impacts from groundwater diversion on aquifer health, other users, and stream-related resources connected to the aquifer, and recommends acknowledging and analyzing the project together with other cannabis projects being processed by the County and any reasonably foreseeable projects that could contribute to similar impacts. [H2][H3]

Argument

The filing does not provide a CEQA-compliant cumulative hydrology analysis:

- **No basin-wide accounting of withdrawals.** Aside from noting an adjacent well, the record lacks a well inventory/map, use classes (domestic, irrigation, cannabis), depths/yields, or aggregate pumping for the High Valley (and any hydraulically connected) units. [H6]

- **No list-or-projections method.** There is no CEQA list of past/present/foreseeable cannabis and other water-using projects, nor a summary-of-projections (e.g., County permitting data, DWR indices) to quantify combined demand versus recharge/storage. [H1]
- **No drought/multi-year scenarios.** The report relies on estimated recharge but omits dry and multiple-dry-year cumulative scenarios needed to test basin stress and interference risk. [H5]
- **No connection to stream-related resources.** There is no evaluation of baseflow or spring discharge changes that could affect surface waters connected to the aquifer—an issue Department of Cannabis Control (DCC) identifies as "of particular importance." [H2]
- **No significance finding tied to evidence.** The document does not apply defined metrics (e.g., trend slopes in groundwater levels, storage change, spring/baseflow indices) to determine whether the project's increment is cumulatively considerable. [H1][H4]

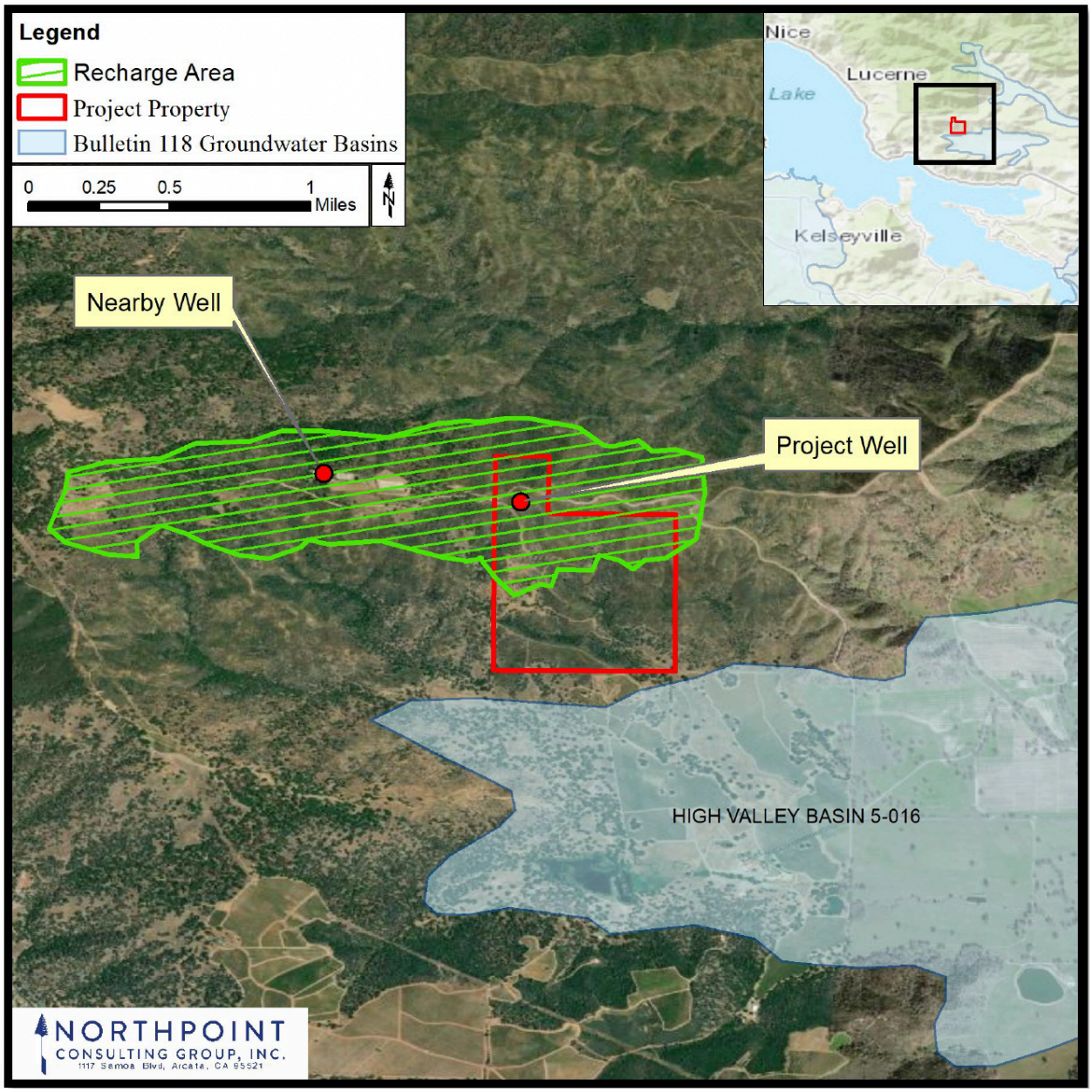
Given CEQA's standard and DCC's guidance, the County should have required a basin-wide cumulative analysis before relying on a no-significant-impact conclusion for hydrology.

The project's analysis of cumulative impact on groundwater supply is insufficient. The project's cumulative analysis on groundwater supply consists of

- **Tally of area cannabis projects without data**. Counts of cannabis permitted projects and pending cannabis permit applications within a one mile and three-mile radius from the project.
    - **Missing data from tally of area cannabis projects**. The tally does not provide number of wells per project, well depth, well yield, estimated project water usage, evidence of sufficient groundwater supply for the project, and actual water usage (for approved projects). A true understanding of the project's cumulative impact on groundwater supply is not possible without these data.
- **Large High Valley vineyard not included in cumulative impact**. Brassfield Estate Vineyards, one of the largest water consumers in the High Valley Groundwater Basin is not included in the cumulative impact analysis for groundwater. Not factoring in the water demand and water supply of this vineyard renders groundwater availability analysis for High Valley incomplete.
- **Neighbors' wells not included in groundwater availability analysis**. Similarly, the data about neighbors' wells were not included in the project's groundwater availability

analysis. Well depth and yield, when known, should be included in the groundwater availability cumulative impact analysis. Poverty Flats engineer lamented the absence of analysis by another project on its impact on High Valley residents' wells. [A9] On the Poverty Flats groundwater supply analysis, the Poverty Flats engineer did no better.

From Poverty Flats Hydrology Report, Figure 1. Project Parcel, Recharge Area and High Valley Basin [page 5]



From *Poverty Flats IS/MND IS 23-20* *(mis-referenced by County as IS 23-29 in staff emails dated May 10 and May 17, 2025)***, (dated April 25, 2025; Planning Commission approved May 22, 2025),** p. 75**:**

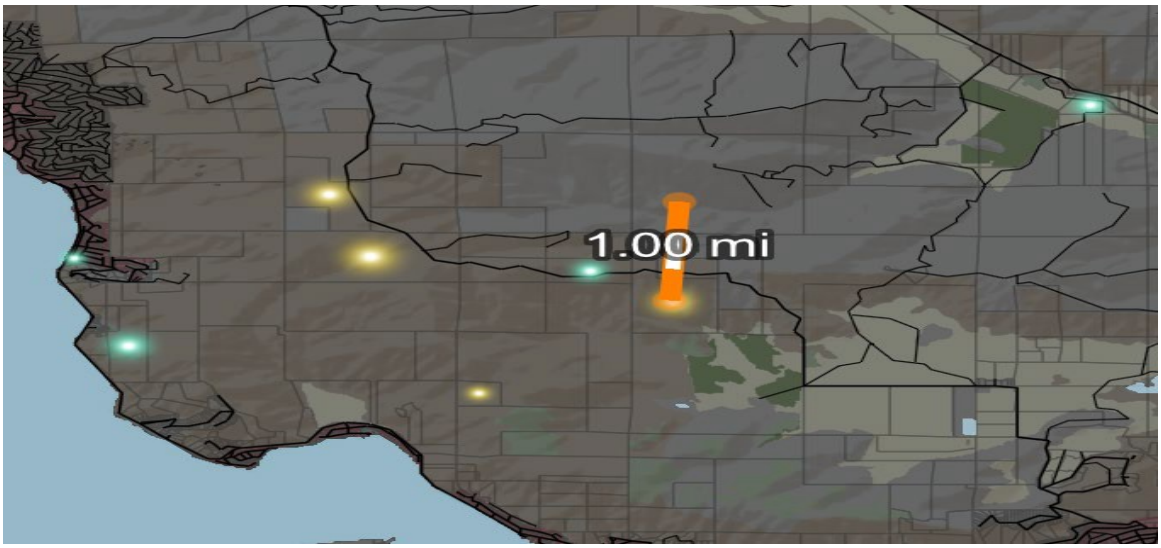


Figure 20: Within a one-mile radius, there are zero pending [green dots] and one approved projects (sic) [yellow dots]

Source: ArcGIS

From *Poverty Flats IS/MND23-20* *(mis-referenced by County as IS 23-29 in staff emails dated May 10 and May 17, 2025)***, (dated April 25, 2025; Planning Commission approved May 22, 2025),** p. 76:

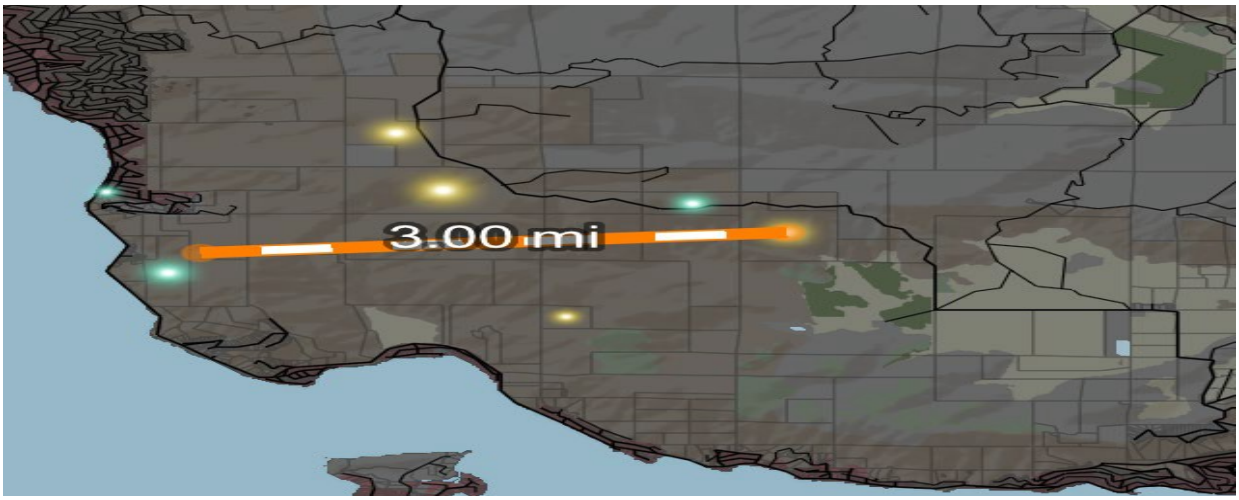
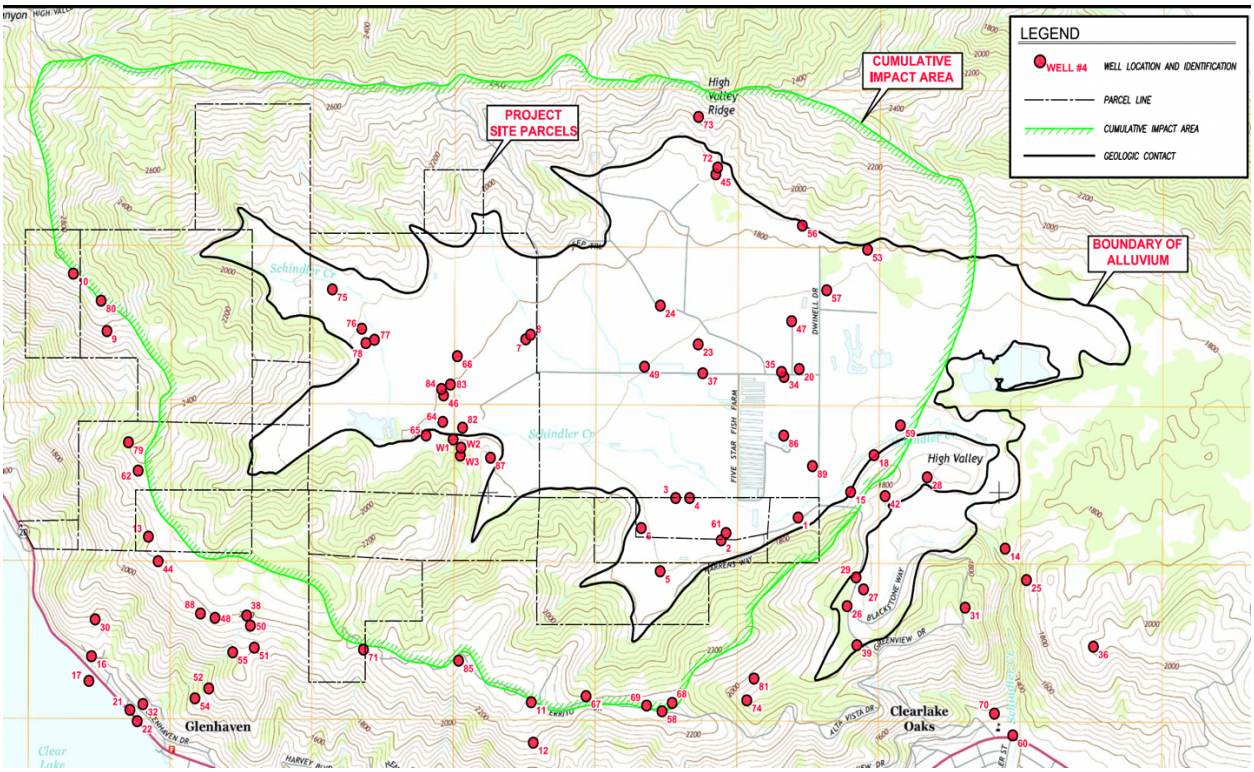


Figure 21: Within a three-mile radius, there are ~~three~~ two pending [green dots] and ~~one~~ two approved projects [yellow dots]

Source: ArcGIS



High Valley Basin and Wells as of 2016 [Source: EBA Brassfield Groundwater Availability Study, 2016]

Known groundwater basin users and declared water usage estimate. The project's groundwater analysis did not include known groundwater basin users and declared water usage estimate from cannabis permittees and applicants. The appellant team gathered the following information on some groundwater basin users:

- ◊ High Valley Oaks: 6.6 AFY (acre feet/year)
- ◊ Liu Farms: 7.86 AFY
- ◊ Monte Cristo: 36.5 AFY
- ◊ Lemon Glow: 33.4 AFY to 45.8 AFY
- ◊ Brassfield Estate Vineyards: 260.70 AFY in 2016, planned to increase to 378.70 AFY [H7]
- ◊ Multiple residential wells
- ◊ Additional cannabis projects pending

- **Cumulative High Valley Groundwater Demand**. In High Valley, the combined water demand of Poverty Flats, High Valley Oaks, Liu Farms, Monte Cristo, and Lemon Glow is approximately 345.06 to 468.86 AFY. Localized drawdown risks are unaddressed. The CEQA analysis is therefore deficient.

Conclusion

Because the record lacks a methodologically sound cumulative study, the County cannot make a supported finding that the project's hydrologic contribution is less than cumulatively considerable. Poverty Flats Hydrology Report does not meet CEQA's standard for substantial evidence. To align with CEQA requirements, the County, prior to approving the project, should have required a revised cumulative hydrology section that included:

1. **Study Area & Period:** Define High Valley (and any hydraulically connected basins) and a 10–20 year horizon.
2. **Project Set:** List of projects (past/present/foreseeable) or a projections summary (permit pipeline, land-use plans, California Department of Water Resources (DWR) indices); include commercial cannabis and non-cannabis pumping.
3. **Water Budget & Scenarios:** Quantify aggregate withdrawals vs. recharge/storage under average, dry, and multiple-dry-year conditions; provide sensitivity tests.
4. **Connectivity & Surface Links:** Evaluate interference, radius-of-influence, spring discharge, and baseflow to stream-related resources.
5. **Metrics & Thresholds:** Apply objective metrics (e.g., groundwater-level trend slopes, storage deltas, baseflow changes) to determine whether the project's increment is cumulatively considerable; identify mitigation/management measures and monitoring accordingly.
6. **Long-term pump testing**.
7. **Groundwater monitoring on the ridge and valley**.
8. **Basin-wide cumulative analysis**.
9. **Specific, enforceable mitigation tied to thresholds.**

Because these materials were not produced and vetted prior to Planning Commission approval, the appeal should be granted and Major Use Permit denied. Producing these materials now with the intent to recirculate will trigger the required EIR preparation process. [H1][H4][H5]

Footnotes for Section H

[H1] CEQA Guidelines §15130(a)–(b) (cumulative impacts; list-of-projects or summary-of-projections methods; geographic scope; significance determination), and §15064(h) (cumulatively considerable contribution).
[H2] Department of Cannabis Control letter to Lake County Community Development

Department, Planning Division (May 7, 2024), p. 2 (topics "of particular importance," including cumulative groundwater diversion effects on aquifers, other users, and connected streams).
[H3] Ibid., p. 3 (recommendation to analyze the project together with other cannabis projects being processed and other reasonably foreseeable projects).
[H4] Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 721–727 (meaningful cumulative analysis; avoid conclusory treatment).
[H5] Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App.4th 98, 120–129 (cumulative impacts framework; evidentiary support required).
[H6] Dodd, Annjanette, PhD, PE. Poverty Flats Hydrology Report, pp. 8-9.; Poverty Flats IS/MND *IS 23-20 (mis-referenced by County as IS 23-29 in staff emails dated May 10 and May 17, 2025),* p. 55.

[H7] EBA Engineering, Groundwater Availability Study, (September 23, 2016), p. 11.

Section I: Enforceable Mitigation Framework—Testing, Monitoring, and Threshold-Triggered Actions

Principle

Under CEQA, mitigation must be specific, measurable, and fully enforceable through permit conditions or binding agreements, and it must be backed by a Mitigation Monitoring and Reporting Program (MMRP) that identifies responsible parties, timing, methods, and verification. Agencies may not defer mitigation to future study unless they adopt objective performance standards and a committed implementation pathway. Where water-supply reliability is at issue, conclusions must rest on substantial evidence, including performance under dry and multiple-dry years. [I1][I2][I3][I4][I5]

Argument

Because the project's aquifer characteristics and basin connectivity remain uncertain, the County must require a **binding, threshold-based mitigation framework** for the approved project—not recommendations. At minimum:

- **Long-term pump testing (required).** Conduct step-drawdown followed by 24–72-hour constant-rate testing with recovery to derive transmissivity (T), storativity (S), and radius of influence for quantitative drawdown/interference analysis. [I6]
- **Ridge-and-valley monitoring network.** Install continuous water-level sensors (pressure transducers with logging/telemetry) on the project well(s) and selected

nearby indicator wells downslope in the valley; record baseline static water level (SWL) and maintain quarterly hydrographs. [I6][I7]

- **Objective triggers with automatic actions.**
    - **Drawdown trigger:** ≥ X ft decline from baseline (or ≥ Y% beyond seasonal norm) → automatic curtailment/scale-back until recovery.
    - **Interference trigger:** ≥ Z ft decline at a monitored neighbor well attributable to project pumping → immediate curtailment and mitigation.
    - **Drought matrix:** link local ET/crop coefficients and dry/multiple-dry-year conditions to allowable pumping and mandatory reductions.
- **Reporting, QA/QC, and transparency.** Quarterly submittals to the County; annual third-party audit; County right to inspect and audit data; summary posted on a public dashboard.
- **Enforceable contingencies.** Identify any alternative legal source(s) (rights/permits, capacities, conveyance) and time-certain implementation steps; secure financial assurance (bond/LOC) to fund corrective actions.
- **MMRP integration.** All measures above must be Conditions of Approval referenced in the Mitigation Monitoring and Reporting Program (MMRP), with responsible entity, schedule, verification method, and penalties/permit suspension for non-compliance. [I3]

Conclusion

Absent binding, measurable mitigation tied to clear thresholds and implemented through an MMRP, the County cannot support CEQA findings of no significant hydrologic impact or a reliable water supply with substantial evidence. Approval should have been conditioned on adoption of the framework above. Since the permit was approved with the above framework, the appeal should be granted and the Major Use Permit denied. If the hydrology section is revised with recirculation in mind, it will trigger the EIR preparation process. [I1][I2][I3][I4]

Footnotes for Section I

[I1] CEQA Guidelines §15126.4(a)(2) (mitigation must be fully enforceable through conditions, agreements, or other instruments).
[I2] CEQA Guidelines §15126.4(a)(1)(B) (no improper deferral; require objective performance standards when details are deferred).
[I3] CEQA Guidelines §15097 (Mitigation Monitoring and Reporting Program—responsibility,

timing, and verification).
[I4] *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412 (proof of long-term, reliable water supply; dry and multiple-dry years).
[I5] *Sierra Club v. County of Fresno (Friant Ranch)* (2018) 6 Cal.5th 502, 519–523 (analysis must connect facts to conclusions; vague mitigation inadequate).
[I6] DWR Bulletin 74-81/90 (California Well Standards) (pump-test methods; establishing sustainable capacity and well integrity).
[I7] California Water Code §13751 (well completion report requirements; baseline information).

Section J: Internal Consistency & Accurate Project Description — IS/MND Must Align With the Technical Record

Principle

CEQA requires an accurate, stable, and finite project description and a document that is internally consistent and adequate on its face. The Initial Study/Mitigated Negative Declaration (IS/MND) must match the technical record on all material facts (e.g., number and type of wells, locations, capacities, monitoring, and water demand/supply). Material inconsistencies undercut substantial evidence, impede meaningful analysis, and—if they alter the impact picture—can require denial of the Major Use Permit. [J1][J3][J4]

Argument

The IS/MND and supporting reports contain inconsistent statements about the project's water source(s) that call into question the reliability of the hydrology analysis:

- **Internal inconsistency (IS/MND):** In one section the IS/MND states the project will use one well, while another section refers to "wells" (plural) as the source. This discrepancy directly affects baseline, demand, drawdown/interference, monitoring, and mitigation commitments. [J2]
- **Cross-document consistency:** Any hydrology report, well completion records, and conditions of approval must match the IS/MND on well count, locations (APN/coordinates), depths/screened intervals, completion dates, capacities, and monitoring/trigger frameworks. Divergent facts erode confidence in the impact conclusions and mitigation sufficiency. [J1][J3]

Because accuracy and dependable data are foundational to water availability and impact analysis, unresolved inconsistencies make it impossible to rely on the IS/MND as substantial evidence.

Conclusion

Before permit approval, the County should have required an Errata & Consistency Matrix that:

1. States unambiguously the number of wells serving the project (existing and proposed), with maps and coordinates.
2. Provides a well data table (for each well): CWC §13751 completion report ID; depth/screened interval; pump test results (step-drawdown and 24–72-hour constant-rate with recovery); sustainable yield; instrumentation/monitoring plan; and enforceable triggers. [J5]
3. Revises the IS/MND (and hydrology report) wherever necessary so all documents match on these facts; if changes are material to impacts or mitigation, denial of the Major Use Permit under §15088.5. [J4]
4. Updates the demand/supply, drawdown/interference, and mitigation analysis to reflect the final, consistent project description.

Absent this reconciliation, the IS/MND fails CEQA's accuracy and adequacy standards, and the County cannot make supported findings of no significant hydrologic impact. The IS/MND itself is subject to criticism of accuracy and adequacy standards with its unorthodox circulation, incorrect IS number; this is covered under the Procedures chapter of this appeal. [J1][J3][J4]

Footnotes for Section J

[J1] CEQA Guidelines §15124 (project description must be accurate, stable, and finite).
[J2] Poverty Flats IS/MND *IS 23-20 (mis-referenced by County as IS 23-29 in staff emails dated May 10 and May 17, 2025)*, pp. 10, 52.
[J3] CEQA Guidelines §15151 (standard of adequacy; internal consistency; reasonable, good-faith effort at full disclosure).
[J4] CEQA Guidelines §15088.5 (denial of the Major Use Permit required when significant new information is added or inconsistencies materially affect analysis).
[J5] California Water Code §13751 (well completion report requirements; foundational data for groundwater analysis).